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Form B10 (Official Form 10) (04/04) ** PLEASE NO UNITED STATES BANKRUPTCY COURT-DI		PROOF OF CLAIM -Chapter
Name of Debtor .USA COMMERCIAL MORTGAGE CO.	Case Number 06-10725	
NOTE: This form should NOT be used to make a claim for an administrative for payment of an administrative expense may be fited pursuant to 11 U.S.C.		
Name of Creditor (The person or other entity to whom the debowes money or property)  Diane Walter	tor Check box if you are aware that anyone else has filed a proof of claim relating to your claim.  Attach copy of statement giving	
Name & address where notices should be sent: c/o Beesley Matteoni, Ltd. Caryn S. Tijsseling, Esq.	particulars.  Check box if you have never received any notices from the	
Sol 1 Meadowood Mall Way, Ste. 300 Reno, Nevada 89502 Telephone number: (775)827-8666	bankruptcy court in this case.  Check box if the address differs from the address on the envelope sent to	,
Last four digits of essent or other number by which and ite-	you by the court.  Check here if this claim	THIS SPACE FOR COURT USE ONLY
Last four digits of account or other number by which creditor identifies debtor:	□replaces □amends a previously filed	claim, dated
☐ Goods sold ☐ Services performed  Ad Money loaned ☐ Personal injury/wrongful death	Retiree benefits as defined in 11 U.S.C. § 1114(a)  Wages, salaries, and compensation (FILL OUT BEI Last four digits of your Social Security # Unpaid compensation for services performed fro	
☐ Taxes ☐ Other	(date) (date)	
2. Date debt was incurred: 2/12/04 3	. If court judgment, date obtained:	
4. Classification of Claim. Check the appropriate box or box reverse side for important explanations.	ces that best describe your claim and state the amount of	f the claim at the time case filed. See
Unsecured Nonpriority Claim \$	Unsecured Priority Claim.	
Check this box if: a) there is no collateral or lien securing your claim, or b) your claim exceeds the value of the property securing it, or if c) none or only part of your claim is entitled to priority	Check this box if you have an claim, all or part of Amount entitled to priority \$	
Secured Claim. 54 Check this box if your claim is secured by collateral (including a right of setoff)	☐ Domestic support obligations under 11 U.S.C. § ☐Wages, salaries, or commissions (up to \$10,000) before filing of the bankruptcy petition, or cessa business, whichever is earlier- 11 U.S.C. § 5076	),* earned within 180 days tion of the debtor's (a)(4)
Brief description of collateral:  Real Estate	☐ Contributions to an employee benefit plan 11 U ☐ Up to \$2,225* of deposits toward purchase, least or services for personal, family or household use ☐ Taxes or penalties owed to governmental units. 1	e or rental of property >- 11 U.S.C. § 507(a)(7)
Amount of arrearage and other charges at time case filed included in secured claim, if any:    Amount of arrearage and other charges at time case filed included in secured claim, if any:    Amounts are subject to adjustment on 4/1/07 and every three years thereafter with respect to cases commenced on or after the date of adjustment.		
5. Total amount of claim at time case filed:  (unsecured)  If all or part of your claim is secured or entitled to priority,  Check this box if claim includes interest, or other charg an itemized statement of all interest or additional charge	also complete Item 5 or 7 below.  es in addition to the principal amount of the claim. Atta	ich
Credits: The amount of all payments on this claim has bee proof of claim.		(This space for court use only)
<ol> <li>Supporting documents: Attach copies of supporting docu itemized statements of running accounts, contracts, court ju perfection of lien. DO NOT SEND ORIGINAL DOCUMI documents are voluminous, attach a summary.</li> <li>Date-Stamped copy: To receive an acknowledgment of th envelope and a copy of this proof of claim.</li> </ol>	idgments, mortgages, security agreements, and evidence ENTS. If the documents are not available, explain. If the	e of lee
Sign and print the name and title, if any, of the c (attach copy of power of attorney, if any):	reditor or other person authorized to file this claim	
71400 Calum Timas him att	They for Diane walter	
Penalty for presenting fraudulent claim: Fine of up to \$500,00	J •	. §§ 152 & 3571

### **Summary of Supporting Documents**

In the present case, the documents supporting the proof of claim are too voluminous to attach. Accordingly, the supporting documents are being summarized for the Court's convenience. The supporting documents will be provided upon request.

1. Loan Extension Agreement and Power of Attorney dated January 27, 2004; 2. Payment Summaries for April 6, 2004 through February 1, 2006; 3. Sixth Amendment to Deed of Trust dated January 6, 2003.; 4. Deed of Trust, Assignment of Rents, Security Agreement and Fixture Filing: 5. Construction Loan Agreement dated March 5, 2003; 6. Promissory Not Secured by Deed of Trust dated March 5, 2003. Deed of Trust, Assignment of Rents, Security Agreement and Fixture Filing dated March 3, 2006; 7. Second Amendment to Deed of Trust dated May 27, 2003: 8. Promissory Note Secured by Deed of Trust dated June 18, 2002; 9. Second Amendment to Loan Documents dated March 5, 2003: 10. First Trust Deed Investment Reports; 11. First Trust Deed Investing Manual; 12. Declaration of Agency Limited Power of Attorney dated March 5. 2003: 13. First Amendment to Loan Documents dated April, 2003; 14. First Amendment to Deed of Trust;

Authorization Agreement for Automatic Deposits; and

Mortgage Investment Disclosure Form.

15.

16.



For questions regarding your statement please contact us at 1-888-921-8009 or 702-734-2400

4484 S. Pecos Rd. Las Vegas NV 89121

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# Statement Information

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Statement As Of	02/28/2006	_
Payment Method	Direct Deposit	

#### **Payment Summary**

Account: Micha	el J. Walter & Dian	J. Walter, husband & wif	e, as joint tenants with right of survivorship
Total Investments	Total Principal	Total Interest Paid	Total Amount Paid
1	\$ 0.00	\$ 466.67	\$ 466.67

### **Transaction Detail**

Transaction Type	From Date	To Date	Beginning Balance	Ending Balance	A mount Paid
Investment: Grames Interest Payment	rcv Court 02/01/2006	Original Inve 02/28/2006	stment: \$ 50,000.00 \$ 50,000.00	IR: 12.00% \$ 50,000.00	YTD Interest: \$ 1,500,01 \$ 466.67
Totals:	1.000-000-000-000-000-000-000-000-000-00		\$ 50,000.00	\$ 50,000.00	\$ 466.67

## **Full Account Summary**

Account: Michael J. Wa	lter & Diane J. Walter, husb	and & wife, as joint tenants with right of survivorship
Total Originally Invested	Total Remaining Invested	Total YTD Interest
\$ 50,000.00	\$ 50,000.00	\$ 1,500.01

For a detailed breakdown of your statement or additional account information, please visit http://www.tdinvestments.com

Rep: Oliver Puhr Pano Office 8101-821-8180 975

### **PROOF OF CLAIM STATEMENT**

Claimant reserves the right to amend this claim to properly reflect priority or other classification, credits and charges after the date set forth or after the date hereof, including interest, attorney's fees, costs and related charges assessable against the Debtor or its property, particularly but not limited to those contemplated by section 506(b) of the Bankruptcy Code. Until the determinations thereof are made, and the precise date of payment of this claim is determined, the amount and priority thereof is undeterminable, and must accordingly be determined by an appropriate Order of the court to be entered at an appropriate time.